

**Q: When was settlement of the federal case officially reached?**

A. The Corps of Engineers reached agreement with the NRDC et al. to settle the outstanding Federal lawsuit regarding the Berth 100 wharf at the Port of Los Angeles. The settlement was officially lodged with the Court on March 6, 2003.

**Q. What are the terms of the settlement as they relate specifically to the Federal lawsuit?**

A. The terms of the settlement are as follows:

1. Plaintiffs and Defendants hereby agree to settle and compromise based on the terms indicated below:
2. The Army Corps will prepare a project specific Environmental Impact Statement for Phases 1, 2, and 3 of the China Shipping Project described in the lease issued by the City of Los Angeles on May 8, 2001. The Revised Environmental Assessment will remain in place along with the permit issued April 19, 2002. The Army Corps will reconsider the permit terms and conditions upon completion of the EIS.
3. Plaintiffs will dismiss this lawsuit with prejudice, subject to a motion to reopen the case to enforce this Stipulation for Compromise Settlement. This Court will retain jurisdiction to enforce the terms of this Stipulation.
4. Each party shall bear its own attorney's fees and costs, except as the Plaintiffs and the Port may otherwise agree to outside this stipulation.
5. This settlement and satisfaction of the above-referenced claims include all claims that Plaintiffs have as of the date of this Stipulation against Defendants on account of or arising out of the permit issued by the Army Corps on April 19, 2002, the Environmental Assessment, and the Revised Environmental Assessment giving rise to this suit and all claims in Plaintiffs, Complaint in this action.
6. Plaintiffs agree to accept these terms in full settlement and satisfaction of any and all claims and demands that Plaintiffs or Plaintiffs= heirs, executors, administrators, or assigns may have against Defendants, their agencies, agents, and employees on account or arising out of the permit issued by the Army Corps on April 19, 2002, the Environmental Assessment, and the Revised Environmental Assessment giving rise to this suit and all claims in Plaintiffs Complaint in this action.
7. This agreement and stipulation shall not constitute an admission of liability or fault on the part of Defendants, or on the part of any of its agencies, agents, or employees, and is entered into by all parties herein for the purpose of compromising disputed claims and avoiding the expenses and risks of litigation.
8. The undersigned represent that they have reviewed and understand this agreement, that they are fully authorized to enter into the terms and conditions of this agreement, and that they agree to be bound thereby.

**Q. What can the Port do now?**

A. In a separate negotiation, the Port reached agreement with the NRDC et al. to provide additional mitigation for the Berth 100 project. In return, the Port received an amendment to the injunction issued by the State Appellate Court allowing them to complete the remaining construction at Berth 100 and operate the wharf in advance of the completion of the EIR for phases 1, 2, and 3 of the China Shipping Project as described in the lease issued by the City of Los Angeles on May 8, 2001.

**Q. What about Berth 102 of the China Shipping Project?**

A. The Corps and the Port had previously begun scoping a West Basin EIS/R for remaining projects in the West Basin of the Port of LA, including the Berth 102 portion of the China Shipping Project. That document is no longer being pursued. Rather, pursuant to the settlement, the Corps will now begin the process of scoping a project-specific EIS for all three phases of the China Shipping project.

Key points to bear in mind:

- The Corps will prepare a new EIS
- It has yet to be determined whether the Corps will prepare a federal environmental document under NEPA separate from the Port's document being prepared under CEQA.
- The results of the analyses in the new project-specific EIS for China Shipping will be used to reconsider the Berth 100 permit issued by the Corps.
- We anticipate beginning the scoping process in May or June 2003.
- As part of the EIS process, the Corps will convene numerous workshops and meetings designed to directly involve the community in matters of interest to them, and we will provide a medium for both English and Spanish speakers to provide their comments.

<http://www.spl.usace.army.mil/regulatory/POLA.htm>

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